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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/921,930      | 08/06/2001  | Sanford Redmond      | 0645-4034US3        | 8711             |

23838 7590 11/20/2002

KENYON & KENYON  
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WASHINGTON, DC 20005

EXAMINER

NGUYEN, THUKHANH T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1722

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DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/921,930

Applicant(s)

REDMOND, SANFORD

Examiner

Thu Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The reference number 32 has been indicated as different parts through out the whole specification, such as neck 32 (page 25, lines 3 & 25), nozzle aperture 32 (page 25, lines 9); and the first projecting cylindrical formation 32 (page 25, lines 33-34). Clarification and/or correction are required.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: The apparatus for making reclosable dispenser package.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the base" is recited in lines 7 and 14 of claim 19, lines 12 and 29 of claim 20, and in claim 21, line 8. There is insufficient antecedent basis for this limitation in the claims.

Claim 20 recites the limitation "the clamp face" in line 19. There is insufficient antecedent basis for this limitation in the claim.

The term "may pass" in claim 20, line 15 and in claim 21, line 14 is a relative term, which renders the claim indefinite. The term "may pass" is not defined by the claim, the specification

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does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauer (4,130,387).

Sauer teaches an apparatus for thermoforming sheet material, comprising a punch means (14) with a tip portion having a frusto-conical formation at a base of the tip portion (80), a female die (12) having an accurately bored hole (48) in a flat die block (46), wherein the hole has a larger diameter than the base of the tip portion and when comes in contact with the frusto-conical formation, a locus of the contact would be a circle in between the larger base circle and the smaller circle of the frusto-conical formation. The apparatus further comprises a means for transferring of supplied thermoplastic film (90) to the apparatus, a heating means (col. 4, lines 8-12), a sheet clamping means (36), guided mounting plates (16, 18) for supporting the punch and the clamping means, a film stop plate (40, 50) includes a hole, which permits the punch and the sheet to pass through to reach a female die (42).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer ('387) as applied to claims 19-20 and 24 above and further in view of Meadors (4,127,378).

Sauer discloses a thermoforming apparatus as described above, in which the female die, the sheet clamping means and the punch are movable by cylinders. But Sauer fails to disclose that springs can also be used.

Meadors discloses an apparatus for forming thermoplastic sheet, comprising a plurality of springs (38, 82; col. 3, lines 58-60) for moving a plunger (20) downwardly into the female die (col. 3, lines 22-34) and for moving the clamping means (80) upward to clamp the sheet material during the forming process (col. 4, lines 34-43).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Sauer by providing a plurality of springs as taught by Meadors, because the springs would resist the sudden movement of the piston and would result in a smooth movement of the punch and the clamping means on the sheet material.

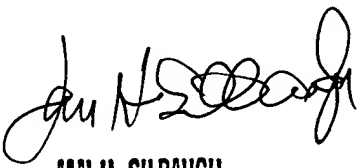
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday-Thursday and on alternate Friday, 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN  
November 15, 2002

  
JAN H. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
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11/18/02